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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,635	04/28/2001	Bharti Temkin	12001-105	1591
26486	7590	05/05/2005	EXAMINER	
PERKINS, SMITH & COHEN LLP ONE BEACON STREET 30TH FLOOR BOSTON, MA 02108			CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,635

Applicant(s)

TEMKIN ET AL.

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/28/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to RCE, filed 03/21/05.

Claims 1-5 are pending in this application. In the communication, claims 1 and 3 are independent claims, and claims 1 and 3 are amended. This action is made non-final.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Ross et al. (U.S. Patent No. 6,608,628 B1).

As to claim 3, Ross teaches a method of developing and utilizing complex and precise haptic virtual objects for user in surgical training comprising the steps of:

creating a cursor with attributes of movement within multiple layers of graphic display to create or modify one or more virtual objects (The system includes a virtual collaborative clinic component (VCC), which allows the users simultaneously view and manipulate the high-resolution, three-dimensional images of the object (multiple-layers object, e.g., col. 9 lines 33-35, and figs. 9A-B) in real-time by using the force-feedback (haptic) devices and technology, e.g., col. 11 lines 20-64);

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selecting a virtual object with said cursor (VCC, e.g., col. 11 lines 20-64);

modifying said virtual object to create a volumetric three-dimensional poly-mesh form that includes a plurality of layers, wherein a computing system converts said virtual object into said poly-mesh form without a user without writing any computer code (the entire process of modifying the haptic model as mentioned in col. 9 lines 33-35, figs. 9A-B and col. 11 lines 20-64 clearly shows that only the user works with the computer applications and tools of the VCC, and there is no computer coding involved);

modifying a surface stiffness of one or more layers of said poly-mesh form (by using the force-feedback haptic devices to interact with the virtual object, e.g., col. 11 lines 35-43); and

modifying a static and dynamic friction of one or more layers of said poly-mesh form (the haptic models can be dynamically selected and transmitted of user inputs applied at each of the client systems is coordinated, to allow the image displayed on each of the client systems to be updated in real-time in response to user inputs applied at each other client system, e.g.,

Summary).

As to claim 4, it is a method claim of system claim 2. Note the rejection of claim 2 below.

As to claim 5, Ross teaches the method of claim 3, as implemented such that a plurality of properties of said virtual object can be easily modified in order to closely represent human tissue properties (The system includes a virtual collaborative clinic component (VCC), which allows the users simultaneously view and manipulate the high-resolution, three-dimensional images of the object (multiple-layers object, e.g., col. 9 lines 33-35, and figs. 9A-B) in real-time by using the force-feedback (haptic) devices and technology, e.g., col. 11 lines 20-64).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (U.S. Patent No. 6,608,628 B1).

As to claim 1, Ross teaches a computer interface system for providing a haptic virtual environment for use in surgical training and/or surgery simulation comprising:

(a) means for providing a cursor with attributes of movement within multiple layers of a graphic display to create or modify one or more virtual objects (The system includes a virtual collaborative clinic component (VCC), which allows the users simultaneously view and manipulate the high-resolution, three-dimensional images of the object (multiple-layers object, e.g., col. 9 lines 33-35, and figs. 9A-B) in real-time by using the force-feedback (haptic) devices and technology, e.g., col. 11 lines 20-64);

(b) means for generating a haptic representation of said one or more virtual objects directly from a graphical representation of said one or more virtual objects, wherein said one or more virtual objects comprise a plurality of layers that are represented by a three-dimensional poly-mesh form (mesher, e.g., col. 6 lines 43-65, and col. 11 lines 20-64, and figs. 5, 9A-D);

(c) means for creating, modifying, and saving haptic properties, and save the setup into data files (Modification made to the haptic model by changing the shared

variables cause the variables and the new value to be placed in the queue, e.g., col. 13 lines 29-44, the database server stores all information of the haptic models, e.g., col. 4 lines 53-65), and said one or more virtual objects for creating a heuristic database and creating or modifying such a heuristic database (Ross shows the features of creating, modifying, saving haptic properties into the database as mentioned above; however, Ross does not clearly show that the database is a heuristic database. It would have been well known and obvious to a person of ordinary skill in the art at the time of the invention to create, modify, and save haptic properties into a heuristic database/other databases to help the user to keep records for future retrievals of studying or experimenting the haptic models in the medical field (e.g., col. 12 lines 55-65); and

(d) means for selecting all or a portion or portions of said haptic properties from said heuristic database for the modeling of haptic virtual environments, the system as a whole being constructed and managed do that a user can create said haptic virtual environment without writing any computer code (the entire process of modifying the haptic model as mentioned in col. 9 lines 33-35, figs. 9A-B and col. 11 lines 20-64 clearly shows that only the user works with the computer applications and tools of the VCC, and there is no computer coding involved).

As to claim 2, Ross teaches the system of claim 1 wherein said heuristic database comprises one or more properties of static friction, dynamic friction, stiffness, and damping components (by using the force-feedback haptic devices to interact with the virtual object, e.g., col. 11 lines 35-43).

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Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bimber et al. (U.S. Pub. 2003/0085866) teaches haptic models, medical field, surgery, and GUI (pages 1-18 and figs. 2-23).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

04/28/05


BAHLVNH
PRIMARY EXAMINER